

STIP

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Attorney for GUTIERREZ

UNITED STATES DISTRICT COURT

## IN AND FOR THE DISTRICT OF NEVADA

**UNITED STATES OF AMERICA,**

**Plaintiff.**

vs.

**ARNOLD GUTIERREZ**

**Defendant.**

Case No.: 2:16-cr-00040-RCJ-PAL

## **STIPULATION TO CONTINUE SENTENCING DATE**

## (FIRST REQUEST)

*Certification:* This stipulation is filed pursuant to General Order 2007-04.

IT IS HEREBY STIPULATED AND AGREED, by and between the defendant ARNOLD GUTIERREZ through his attorney BRIAN J. SMITH, ESQ., and the United States of America, through BRANDON JAROCH, Assistant United States Attorney, that the sentencing hearing currently scheduled for October 6, 2016, at 1:00 p.m., be vacated and continued to a date and time convenient to this court, but no event earlier than thirty (30) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. GUTIERREZ is currently set for sentencing on Thursday, October 6, 2016.
2. The parties shall require a continuance of the sentencing date in order to complete their respective sentencing memoranda in the defendant's case.

3. GUTIERREZ is in custody and does not object to this continuance.  
4. Denial of this request for continuance would deny the defendant sufficient  
2 time to be able to assist in his sentencing, taking into account the exercise  
3 of due diligence.  
4  
5. This is the first request for a continuance of the sentencing date in this  
6 case.

7 DATED this 4th day of October, 2016.  
8

9 RESPECTFULLY SUBMITTED BY:  
10

11 /s/ Brandon Jaroch  
12 BRANDON JAROCH  
13 Assistant United States Attorney

14 /s/ Brian J. Smith  
15 BRIAN J. SMITH, Esq.  
16 Attorney for GUTIERREZ  
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# UNITED STATES DISTRICT COURT

## **IN AND FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
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Plaintiff,  
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vs.  
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ARNOLD GUTIERREZ,  
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Defendant.  
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**Case No.: 2:16-cr-00040-RCJ-PAL**

**STIPULATION TO CONTINUE  
SENTENCING DATE**

**(FIRST REQUEST)**

## **FINDINGS OF FACT**

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The parties shall require a continuance of the sentencing date in order to complete their respective sentencing memoranda in the defendant's case.
2. This stipulation complies with General Order 2007-04.

## CONCLUSIONS OF LAW

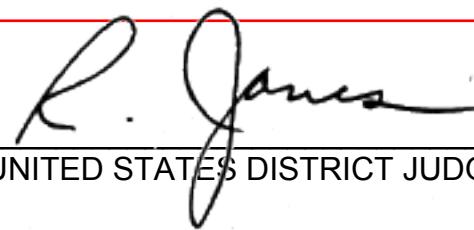
1. Denial of this request for continuance would deny GUTIERREZ the opportunity to provide substantial assistance to the Government before being sentenced in this case.
2. Denial of this request for continuance would result in a miscarriage of justice.

1       3. For all of the above stated reasons, the ends of justice would best be  
2       served by a continuance of the sentencing hearing date.  
3       4. The additional time requested by the stipulation, is excludable in  
4       computing the time within which the trial herein must commence pursuant  
5       to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors  
6       under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).  
7       5. This is the first request for continuance.  
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10       **ORDERED**

11       **IT IS ORDERED UNDER** that the sentencing hearing currently scheduled for  
12       October 6, 2016, at 1:00 p.m., be vacated and continued to \_\_\_\_\_  
13       **2:00 P.M., Thursday, December 8, 2016, in LAS VEGAS COURTROOM 4B, before**  
14       **Judge Robert C. Jones.**

15       IT IS SO ORDERED:



16       \_\_\_\_\_  
17       UNITED STATES DISTRICT JUDGE  
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19       DATED: **October 5, 2016** \_\_\_\_\_  
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